

REMARKS

Applicants thank Examiner Tawfik for the clarification presented in the Advisory Action of the Final Office Action mailed January 18, 2006, Paper No. 01122006. Claims 48-54 are pending. Claims 45-47 and 52-54 are allowed.

The Office Action mailed January 18, 2006 rejects independent Claim 48, referring to Figs. 1, 3 and 4 of Neri (U.S. 5,701,725) as the basis of the rejection. More particularly, the Office Action comments that Neri discloses pre-sealing the side tabs via laser beam 53, thermally pre-sealing the bottom and top tabs via laser beam 62 and "subsequent permanently sealing the side tabs; and permanently sealing the bottom and top tabs (Figs. 1, 3, and 4; via the compressing means holding to the pack even after the laser beam seals the packs, that could consider as permanently seal)". Applicants noted in their Response and Amendment filed 20 March 2006 that the Office Action fails to identify the "compressing means" and that no reference numerals are provided to identify the "compressing means" referred to in Neri.

Applicants thank the Examiner for identifying the "compressing means" in the Advisory Action mailed March 31, 2006. More particularly, the Advisory Action states that claim 48 is not in condition for allowance "because: the Examiner maintains that '725 discloses the limitations of claim 48; as considering the laser beams causing the pre-sealing of the side tabs, bottom and top tabs and the pocket 43 to finish the seal (Column 3, lines 60-63); as walls 44 contacting the tabs could be considered as permanently sealing side tabs, bottom, and top tabs. Alternatively, broadly considering the claimed permanently sealing could be considered as of stacking the backs, somehow they will be compressing each other by the sides, top, and bottom. So the stacking step could be considered as a step of permanently sealing side, bottom, and top tabs."

The clarification presented in the Advisory Action, however, does not support the rejection of claim 48. Neri at Column 3, lines 59-63 states: "Station 37 comprises an unloading device 42 in turn comprising a substantially U-shape pocket which presents two lateral walls 44 on either side of path P and for cooperating with and compressing portions 24 onto respective portions 25." Portions 24 and 25 are the top and bottom end tabs of the wrapping 34. As is clear from this citation, the walls 44 of pocket 43 have no contact with the side tabs of the wrapping, namely tabs 22 and 23, especially where they have been sealed by the laser beam. Thus, the

walls 44 of Neri cannot be considered as contacting side tabs 22 and 23 and cannot be considered as “permanently sealing” the side tabs, particularly where the side tabs were already sealed by the laser beam. (Applicants continue to maintain, as previously presented in Applicants’ Response and Amendment filed 20 March 2006, “compressing means” does not provide the function of sealing or fastening the tabs as the term “sealing” is commonly defined and understood.)

As an alternative basis for rejecting claim 48, the Advisory Action refers to a stacking step of Neri and suggests that the stacking step could be considered as a step of permanently sealing side, bottom, and top tabs. More particularly, the Advisory Action states “the claimed permanently sealing could be considered as of stacking the backs, somehow they will be compressing each other by the sides, top, and bottom”. No citation is presented to any text or element number in Neri that teaches the stacking of one pack in relation to another pack after one of the packs has been wrapped in wrapper 34 and the side tabs 22 and 23 and also the bottom and top tabs 24 and 25 sealed by the laser beams, in a manner such that one pack presses against or compresses the side tabs 22 and 23 after they have been sealed by the laser beam or presses against or compresses top and bottom tabs 24 and 25 after they have been sealed by a laser beam. The only stacking of one pack against another pack after they have been wrapped disclosed in Neri is illustrated in Fig. 1, and the only contact between the two packs is between their respective adjacent large flat sides. Neither of the large flat sides includes side tabs 22 and 23 or top and bottom tabs 24 and 25. Thus, the stacking of the packs disclosed in Neri does not in any way provide for a compression by one pack against side tabs 22 and 23 or against top and bottom tabs 24 and 25 of another pack, after the tabs have been sealed by their respective laser beams.

Moreover, even if the above deficiencies in Neri can be set aside, as noted in Applicants’ Response and Amendment filed 20 March 2006, and in prior responses submitted by the Applicant, Neri fails to teach or suggest the order of steps recited in Claim 48. Claim 48 recites the side tabs are pre-sealed and then the top and bottom tabs are pre-sealed before either the side tabs or the top and bottom tabs are permanently sealed (note the word “subsequently” in Claim 48). Neither the Office Action mailed January 18, 2006 nor the Advisory Action mailed March 31, 2006 addresses this point. There is no showing in either Action where “permanently sealing” side tabs of Neri, namely tabs 22 and 23, occurs after the sealing of the end tabs 24 and 25 by the laser beam. Note that laser beam 53 seals side tabs 22 and 23 together only along a portion, not

along the full length, of their overlap, the sealed portion being located between the top and bottom side edges of the pack. Laser beam 53 does not seal the portion 35 defined as the lateral end portions of folded portions 22 and 23 projecting laterally on either side of product 3 (See Col. 3, lines 36-38).

CONCLUSION

In view of the comments and remarks herein, Applicants respectfully submit that all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 770.933.9500 (ext. 213).

Respectfully submitted,



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